

Department of Social and Health Services

Olympia, Washington

## **Social Services Manual**

Revision #

Category / INCAPACITY DETERMINATION – ADMINISTRATIVE REVIEW TEAM

[http://www.dshs.wa.gov/manuals/socialservices/sections/incap\\_D\\_ART.shtml](http://www.dshs.wa.gov/manuals/socialservices/sections/incap_D_ART.shtml)

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### **Summary**

The Social Services Manual Incapacity Determination – Administrative Review Team and PEP chapters were revised to clarify the definition of special education and to eligibility guidance for the Administrative Review Teams.

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**Revised March 19, 2008**

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**Purpose:** Determine if a person is capable of working despite the presence of physical or mental health impairments.

~~Document the referral, review of medical evidence, vocational factors, and outcome of the ART decision on the DSHS 14-235B(X), Administrative Review Team Documentation Worksheet.~~

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[WAC 388-448-0110](#)

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WAC 388-448-0110

Effective September 1, 2000

### WAC 388-448-0110 PEP Step VII -- How we evaluate your capacity to perform other work

If we decide you cannot do work that you've done before, we then decide if you can do any other work. In making this decision, we again consider vocational factors of age, education and limited English proficiency (LEP).

1. We approve incapacity if you have a physical impairment only and meet the vocational factors below:

Highest Work Level Assigned by the Practitioner	Your Age	Your Education Level	Other Vocational Factors
Sedentary	Any age	Any level	Does not apply
Light	50 and older	Any level	Does not apply
Light	35 and older	Illiterate or LEP	Does not apply
Light	18 and older	Limited Education	Does not have any past work
Medium	50 and older	Limited education	Does not have any past work
Medium	55 and older	Any level	Does not apply
Heavy	55 and older	Any level	Environmental restrictions apply

2. We approve incapacity when you have a mental disorder only and meet the age and social functioning limitations below:

Social Limitation		Age
1. Can not appropriately relate to coworkers and supervisors (rated three); and 2. Can not tolerate the pressures of a work setting (rated four).		50 years and older
3. Can not tolerate the pressures of a work setting (rated five).		18 to 54
4. A mental disorder severity rated four; 5. One or more symptoms from <a href="#">WAC 388-448-0050</a> (4) (rated five); 6. Can not appropriately relate to coworkers and supervisors (rated three); and 7. Can not tolerate the pressures of a work setting (rated four).		18-49
3. We approve incapacity when you have both mental and physical impairments and vocational factors interfere with working as follows:		
Your Age	Your Education	Your Other Restrictions
Any age	Any level	1. Can not appropriately relate to coworkers and supervisors (rated three); and 2. Can not tolerate pressures of a work setting (rated four).
50 or older	Limited education	3. Restricted to medium work level or less.
18 to 49	Limited education	4. Restricted to light work level.
4. If we do not find that you are incapacitated by the end of Step VII of the PEP, an administrative review team (ART) makes the incapacity decision. The review team consists of two or more persons within the community service office (CSO) who are not in the position of providing direct eligibility or incapacity services to you. The ART reviews the medical evidence and your vocational factors.		
This is a reprint of the official rule as published by the <a href="#">Office of the Code Reviser</a> . If there are previous versions of this rule, they can be found using the <a href="#">Legislative Search page</a> .		

- ~~The ISW referring the case to ART may not participate in the ART decision process.~~
- ~~A Financial Worker who is involved in determining financial eligibility (including screening and referring the client to the ISW) for the person may not participate in the ART. A Financial Worker that is not responsible for determining financial eligibility may participate in the ART.~~
- ~~The ART must contain two or more people.~~
- ~~The CSOA is encouraged to designate CSO workers who are knowledgeable about the GA program.~~
- ~~Include non-CSO professionals when possible.~~

### **EXAMPLE**

~~Everyone in the unit, except for the worker referring the case for ART participates in the decision making. Social Workers take turns leading the ART.~~

### **EXAMPLE**

~~The team starts with two CSO Supervisors as ART leaders. The Supervisors involve specialists such as the person's Therapist or Mental Health Counselor, an Employment Security Department Job Counselor, a Chemical Dependency Counselor, or a Division of Vocational Rehabilitation Counselor.~~

### **Clarifying Information**

The Administrative Review Team (ART) may be comprised of any two or more Community Services Division (CSD) employees who did not determine eligibility for the case before the ART. The team may include region staff, hearing coordinators, or other CSD employees who have knowledge of medical information and the GA incapacity or SSI disability rules.

### **Referral Worker Responsibilities**

#### **Referral Information**

1. When the Social Worker (SW) completes the Step VII of the PEP without reaching a decision to approve or deny GA, the SW refers the case to the Administrative Review Team (ART).
2. The ISW completes the ART REFERRAL INFORMATION section of the Administrative Review Team Documentation Worksheet (14-235b). The sections following ART REFERRAL INFORMATION are completed by the ART.
3. Consider these items when writing the referral summary:
  - ~~Keep it brief~~Be concise.
  - Highlight the main points of the case.

- Base your assessment on facts.
- Describe a person's strengths and abilities along with limitations.
- Let the ART know if you adjusted a provider's rating or did not accept medical evidence.  
The Administrative Review Team is responsible for the incapacity decision. This is an introduction to them.

### Supervisor Review

The supervisor of the referring social worker should first review the objective medical evidence in the electronic case record (ECR), the person's health, education, and employment history (form 14-050), incapacity rules (WAC 388-448-001 – 388-448-0160), and the progressive evaluation process (PEP) as completed by the social worker.

If any part of the PEP is inconsistent with the medical evidence or the 14-050, or if the medical evidence is incomplete, return the case to the incapacity social worker for immediate correction. **Do not proceed with an ART decision until the PEP has been reviewed and corrected.**

### Process

~~ART The ART will check to see if the PEP was done accurately, review the medical evidence, assess vocational factors, and communicate the ART decision to the ISW through the 14-235B. The ART may approve incapacity, deny incapacity, or refer/remand the case back to the ISW for further action.~~

### ~~PEP Accuracy Check~~

~~The ART reviews how the ISW applied the PEP. If any answer to the following is "no," refer (remand) the case back to the ISW and specify what action is needed.~~

- ~~• Did the Social Worker have all the necessary medical evidence to determine incapacity?~~
- ~~• Was the assigned diagnosis supported by clear and objective medical evidence?~~
- ~~• Did the Social Worker complete the PEP correctly?~~

### **Review**

#### The Administrative Review Team:

1. Reviews the objective medical information and 14-050 to determine if the person is able to perform work other than that performed in the past.
2. Looks at similar types of work or skills needed for a previous job that could translate to a less strenuous job.

## ~~the Medical Evidence~~

- ~~1.3. Each member of the ART reviews the medical evidence. Refers questions about how to interpret medical evidence to a medical consultant if necessary.~~
- ~~2. Refer questions about how to interpret medical evidence to a medical consultant if necessary.~~
- ~~3. Identify the functional limitations for work-related activities according to the objective medical evidence. See PEP Step V for information about work-related activities for physical and mental impairments. Document the functional limitations on the 14-235B. (For example: "Right-handed person is unable to use right arm due to severed tendon.")~~

## **Vocational and Social Factors**

When evaluating vocational and social factors, you are assessing whether or not there are jobs the person is able to do even though they have functional limitations. Look at a person's strengths, skills, and abilities and try to find jobs that the person is capable of. Consider the person's age, education, and skills obtained through past work or hobbies. When a person is not able to perform other work, approve incapacity.

~~Consider the person's age. Use the tables in PEP Step VII as guidelines for considering age as a vocational factor.~~

~~Evaluate literacy and education.~~

~~Consider grade level or history of special education and how these factors influence the person's ability to perform work-related activities such as understanding and following directions.~~

~~Look at ability to read and understand work instructions, directions, job orders and warning labels.~~

~~Assess skills obtained through advanced or post-secondary education.~~

~~Assess transferable skills.~~

~~Consider whether the person has the basic skills obtained through education or work experience to perform unskilled and semi-skilled jobs, e.g., entry-level clerical worker or cashier.~~

~~Look at the relevant work history and the skills needed to do the work. Make a list of skills that could transfer to jobs within the person's capabilities.~~

~~Include information about hobbies and volunteer activities when determining a person's transferable work skills.~~

**NOTE:** The availability of jobs in your area is not a factor when determining incapacity.

Example 1: Tony worked for a large delivery company where they were required to scan packages, track addresses, and drive to delivery locations. He may not be able to return to the same line of work due to being limited to light exertional limitation (unable to lift more than 25 pounds). Tony is able to perform other types of work because of the skills acquired during previous employment. Tony could work as an order clerk, customer service representative, etc. Deny Incapacity.

Example 2: Nadia is 40 years old, has a moderate anxiety disorder, is able to relate to coworkers and supervisors, but is markedly impaired in her ability to tolerate the pressures of a work setting.

~~The psychologist noted that Nadia was most stressed when confronted with new situations or meeting new people. Nadia worked as a hair stylist before her anxiety symptoms worsened three years ago. Nadia has no clerical skills and would be unlikely to be able find a job which she is both qualified for and would be able to tolerate. Approve Incapacity.~~

~~Example 3: Terry has moderate depression, is moderately impaired in his ability to relate to coworkers and supervisors, and to tolerate the pressures of a work setting. The psychologist stated Terry would be able to withstand the pressures of a work setting with limited public contact. Terry has no physical impairments and lists woodworking as a hobby. He has worked as a customer service representative for the last five years. Terry could work a cabinetmaker, bookbinder, stocking shelves, security guard, etc. Deny Incapacity.~~

~~Use the [Dictionary of Occupational Titles](#) or [O\\*NET](#) to evaluate skill levels needed for various jobs. Click here to get [help](#) for navigating O\*Net.~~

## **Outcome**

~~Indicate to the ISW the decision of the ART. Options are to approve, deny, or remand/refer back to the ISW for further action.~~

## **Explanation of Decision**

~~Briefly describe how the ART made the decision [to approve or deny incapacity](#), factors considered in the decision, other relevant information, and outcome to the ISW. If the case is remanded/referred back to the ISW, describe items needing the attention of the ISW.~~

## **Reference Sources**

~~Along with medical dictionaries, the following references are recommended when making incapacity determinations.~~

### **ONLINE REFERENCE SOURCES:**

- [Merck Manual of Diagnosis and Therapy](#), published by Merck Research Laboratories. This is a standard medical reference.
- [Dictionary of Occupational Titles](#) (DOT), published by the [U.S. Department of Labor](#). This publication was last revised in 1991 and will not be updated. This ~~two-volume~~[two-volume](#) resource contains job listings and the strength and education needed to perform each job.
- [O\\*NET](#) replaces the DOT. The O\*NET database file is available for free download from the [National O\\*NET Consortium](#). Both sites are accessible from links on [DOL/ETA O\\*NET](#).
- [Disability Evaluation Under Social Security](#), U.S. Department of Health and Human Services.

~~Also known as, "The Listings," this book describes Social Security Administration disability criteria.~~

#### PRINT REFERENCE SOURCES:

- **International Statistical Classification of Diseases, 9th Revision**, published by the American Medical Association. A CD-ROM version is available.
- **Physicians' Current Procedural Terminology**, published by the American Medical Association. This book describes each of the CPT codes and standard medical practice for different levels of service.
- **Diagnostic and Statistical Manual of Mental Disorders**, published by the American Psychiatric Association. This is the standard reference for mental disorders.
- ~~**Disability Evaluation Under Social Security**, U.S. Department of Health and Human Services. Also known as "The Listings," this book describes Social Security Administration disability criteria.~~

~~Links (Note: you may receive a "page not found" error if you do not work for DSHS)~~

- ~~[GAU](#)~~
- ~~[ESA Policy Review Page \(Blue Page\)](#)~~

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